

An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown. A multi-lane highway runs vertically along the left side of the image. Several farm buildings and structures are scattered throughout the landscape.

# **LAFCO'S DRAFT AGRICULTURAL MITIGATION POLICIES**

## **STAFF WORKSHOP August 28, 2006**

An aerial photograph of a rural landscape. The image shows a patchwork of agricultural fields in various shades of green and brown. A road or highway runs diagonally from the top left towards the bottom left. There are several small clusters of buildings, including what appear to be farmhouses and industrial structures with large roofs. The overall scene depicts a typical agricultural region.

# **BACKGROUND AND GENERAL POLICIES**



# **LAFCO's Legislative Mandate Regarding Agricultural Lands**

**LAFCO is mandated to:**

- **Preserve open space and prime agricultural lands (§56301)**
- **Guide development away from existing agricultural lands (§56377)**
- **Encourage development of existing vacant lands within the city limits for urban uses before approving proposals leading to development of additional agricultural lands (§56377)**

An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown, separated by thin lines of roads or fences. The top of the image is partially obscured by the title text.

# **Development of LAFCO's Agricultural Mitigation Policies**

- **LAFCO holds planning workshop and discusses LAFCO's role in preserving agricultural lands (February 2006)**
- **LAFCO directs staff to develop agricultural mitigation policies (April 2006)**
- **Draft policies released for review and comment (August 2006)**
- **LAFCO public hearing to consider and adopt policies (October 2006)**

An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown, separated by narrow roads or irrigation channels. The fields are rectangular and arranged in a grid-like pattern.


# **What is the Purpose of LAFCO's Agricultural Mitigation Policies?**

- **Ensure impacts to agricultural lands are mitigated and that mitigation results in the permanent preservation of agricultural lands**
- **Make LAFCO's agricultural mitigation expectations and requirements clear to affected property owners, cities, other local agencies/organizations and the interested public**



# **How Do LAFCO's Agricultural Mitigation Policies Relate to Existing LAFCO Policies?**

- **A LAFCO proposal must meet all LAFCO policies, not just agricultural mitigation policies**
- **Proposed mitigation policies provide more detail on LAFCO's agricultural mitigation requirements**

An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown, separated by roads and irrigation channels.

# What if an Agency has an Agricultural Mitigation Policy?

- **LAFCO's agricultural mitigation policies are independent of any agency's agricultural mitigation policies**
- **Establishes minimum criteria and standards for providing agricultural mitigation for LAFCO proposals that impact or involve agricultural lands**
- **LAFCO encourages cities with potential LAFCO applications involving or impacting agricultural lands to adopt agricultural mitigation policies that are consistent with LAFCO's policies**



# **When would LAFCO's Agricultural Mitigation Policies Apply?**

- **Any LAFCO proposal that impacts prime agricultural land or involves the loss of prime agricultural land, such as an urban service area (USA) amendment request impacting prime agricultural land or involving the loss of prime agricultural land.**
- **Cities, affected property owners, and agricultural conservation agencies should work together as early in the process as possible to initiate and execute plans for agricultural mitigation.**

An aerial photograph of a rural landscape. A multi-lane highway runs vertically along the left side of the image. To the right of the highway, there are various agricultural fields in different stages of growth, some appearing green and others brown. There are also some buildings, possibly farmhouses or small businesses, scattered throughout the landscape. The text "OVERVIEW OF MITIGATION REQUIREMENTS" is overlaid in the center of the image in a large, bold, yellow font with a black outline.

# OVERVIEW OF MITIGATION REQUIREMENTS

# How does LAFCO Define Prime Agricultural Farmland?

POLICY  
5

**Land that meets ANY of the following qualifications:**

- a. Lands designated as farmland (all categories) on the CA Dept. of Conservation's "Important Farmland Map" dated 2004**
- b. Land that qualifies, if irrigated, for a rating of Class I or Class II, whether or not land is actually irrigated, provided that irrigation is feasible**
- c. Land that qualifies for rating of 80 through 100 on the Storie Index**

# How does LAFCO Define Prime Agricultural Farmland?

POLICY  
5

**Land that meets ANY of the following qualifications:**  
*(continued)*

- d. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre per (US Dept. of Agriculture's "Pasture and Rangeland Handbook")**
- e. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years**

# How does LAFCO Define Prime Agricultural Farmland?

POLICY  
5

**Land that meets ANY of the following qualifications:**  
*(continued)*

- f. Land that has returned from production of unprocessed agricultural plant products an annual gross value of not less than \$400 per acre for 3 of the previous 5 calendar years**

# What are LAFCO's Agricultural Mitigation Requirements?

POLICIES  
6 & 9

**LAFCO requires:**

- **1:1 Mitigation (1 acre of land preserved for every acre converted)**
- **Mitigation measures to minimize potential conflicts between proposed urban development and adjacent agricultural use/land**

# What are LAFCO's Agricultural Mitigation Requirements?

**POLICIES  
6 a,b**

## LAFCO allows 3 options for 1:1 Mitigation

1. Acquisition and transfer of ownership of agricultural land to an agricultural conservation entity for permanent protection of the agricultural land
2. Acquisition and transfer of agricultural conservation easements to an agricultural conservation entity for permanent protection of the agricultural land

# What are LAFCO's Agricultural Mitigation Requirements?

POLICY  
6C

## LAFCO allows 3 options for 1:1 Mitigation (continued)

3. Payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund:
  - The acquisition of agricultural land or agricultural easements for permanent protection, and
  - The cost of administering, managing and enforcing the agricultural lands or agricultural easements, as well as the costs of promoting agriculture on the mitigation lands.

# Where Must Mitigation Lands or Easements be Located?

POLICY  
7

**Mitigation lands or easements must be:**

- **Located in Santa Clara County**
- **Deemed acceptable to the city and agricultural conservation entity**
- **Consistent with LAFCO's Agricultural Mitigation Policies**

# What Types of Lands Meet LAFCO's Agricultural Mitigation Requirement?

POLICY  
8

**Mitigation lands or easements must be:**

- **Prime agricultural land and of equivalent quality and character as measured by the Average Storie Index Rating and Land Capability Classification rating,**
- **Located in an area planned/envisioned for agriculture that would otherwise be threatened/impacted by development, and**
- **Preferably promote the definition or creation of a permanent urban/agricultural edge.**

# What are LAFCO's Agricultural Mitigation Requirements?

**POLICY  
9**

**LAFCO requires the adoption of mitigation measures to minimize potential conflicts between proposed urban development and adjacent agricultural use/lands. Measures must include:**

- City requiring the establishment of an agricultural buffer on the land proposed for development**
- City adopting measures such as a Right to Farm Ordinance**

# What are LAFCO's Agricultural Mitigation Requirements?

POLICY  
9

**LAFCO requires the adoption of mitigation measures to minimize potential conflicts between proposed urban development and adjacent agricultural use/lands.**

**Measures must include:**

*(continued)*

- **City developing programs to improve the community's understanding of the necessity of agriculture in creating sustainable communities and promoting the continued viability of surrounding agricultural land**
- **Other appropriate measures to satisfy the intent of this policy may also be adopted**

# How does a City or Public Agency or Non-Profit Qualify as an Agricultural Conservation Entity?

**POLICY  
10**

**A qualifying agricultural conservation entity must:**

- **Be committed to preserving local agriculture and have a clear mission with strategic goals or programs for promoting agriculture in the areas that would be preserved through mitigation,**
- **Have the legal and technical ability to hold and administer agricultural lands, agricultural easements, and in-lieu fees for the purpose of conserving and maintaining lands in agricultural production. Also, preferably have an established agricultural conservation record,**

# How does a City or Public or Non-Profit Qualify as an Agricultural Conservation Entity?

POLICY  
10

**A qualifying agricultural conservation entity must:**  
*(continued)*

- **Have adopted written standards, policies, and practices for holding and administering agricultural lands, agricultural easements, and in-lieu fees, and**
- **Be operating in compliance with those standards.**



# **PLAN FOR MITIGATION & TIMING AND FULFILLMENT OF MITIGATION**

# What Should a City Submit with its Proposal?

**POLICIES  
11 & 12**

## **A Plan for Mitigation that includes:**

- a. An agreement between property owner and the city or between the property owner, city and agricultural conservation entity (if applicable) that commits the property owner to provide appropriate mitigation and establishes the specifics of the mitigation**
  - Upon LAFCO's conditional approval of the proposal, the agreement must be recorded with the County Recorder's Office against the property to be developed**

# What Should a City Submit with its Proposal?

**POLICY  
12**

**A Plan for Mitigation that includes:**

*(continued)*

- b. Information on specific measures adopted by the city to demonstrate city's compliance with Policy #9.**
- c. All other supporting documents and information to demonstrate compliance with this Policy.**

# What is the Timeline for Fulfilling Mitigation Requirements?

POLICY  
13

**Applicant will have two years from the date of LAFCO's conditional approval to fulfill mitigation requirements**

**Within 2 years from the date of LAFCO's conditional approval, agricultural lands or conservation easements must be acquired and transferred, or in-lieu fees paid to appropriate agency**

# What Are the Next Steps Following Fulfillment of Mitigation?

POLICY  
14

- **LAFCO issues Certificate of Completion**  
The effective date of boundary change is the date of issuance of Certificate of Completion
- **City may proceed with related city conducted annexation / land development process**



# **What Happens if Mitigation Requirements are not Fulfilled?**

**POLICY  
15**

- **LAFCO's conditional approval will expire after 2 years.**
- **New application may be filed with LAFCO**


An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown. A multi-lane highway runs diagonally from the bottom left towards the top left. Several small clusters of buildings, possibly farmhouses or small towns, are scattered throughout the landscape. The text "NEXT STEPS" is overlaid in the center in a bold, yellow, sans-serif font.

**NEXT STEPS**

An aerial photograph showing a patchwork of agricultural fields in various shades of green and brown, separated by narrow roads or irrigation channels.

# Written Comments

- **LAFCO staff would appreciate receiving written comments by September 8<sup>th</sup>**
- **Which will allow staff to follow-up with each commenter and to take comments into account in developing the proposed policies for LAFCO's consideration and adoption**



# **LAFCO Public Hearing**

- **LAFCO Public hearing to consider and adopt  
Agricultural Mitigation Policies:**

**Wednesday, October 11, 2006**

**1:15 p.m.**

**Board of Supervisors' Chambers  
70 West Hedding Street  
San Jose, CA 95110**

- **Staff report and proposed policies will be available  
on the LAFCO website ([www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov))  
by October 4, 2006**

An aerial photograph of a rural landscape. The image shows a patchwork of agricultural fields in various shades of green and brown. A multi-lane highway runs vertically along the left side of the frame. Several small clusters of buildings, including houses and farm structures, are scattered throughout the landscape. A winding road or path is visible on the right side. The overall scene depicts a typical agricultural region.

# QUESTIONS & COMMENTS